

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:24-cv-00565-FL**

ABC PHONES OF NORTH CAROLINA, INC.  
d/b/a VICTRA,

*Plaintiff,*

v.

STRAX AMERICAS, INC. and  
MATTER BRANDS LLC,

*Defendants.*

**DEFENDANT MATTER BRANDS, LLC'S  
SECOND MOTION FOR EXTENSION OF  
TIME**

Defendant Matter Brands, LLC ("Matter Brands"), by and through its undersigned counsel, and pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Civil Rule 6.1 asks this Court for an additional ten (10) days within which to answer, plead, or otherwise respond to Plaintiff ABC Phones of North Carolina, Inc. d/b/a Victra's ("Victra") Complaint (ECF No. 1). In support of this Motion, Matter Brands states the following:

1. Victra commenced this action by filing a Complaint on October 2, 2024. *See* ECF No. 1. Victra served Matter Brands on October 11, 2024.
2. Matter Brands previously moved on October 28, 2024 for an extension in which to answer, plead, or otherwise respond to the Complaint until and through December 2, 2024. The Court granted the October 28, 2024 motion on October 29, 2024.
3. The deadline in which Matter Brands must answer, plead, or otherwise respond to the Complaint has not yet passed.
4. Good cause exists for the extension sought. Matter Brands and Victra have been conferring regarding a potential resolution of Victra's claims against Matter Brands in this action. As of the date of this Motion, Matter Brands and Victra are still conferring regarding the same.

5. As required by Local Rule 6.1, on November 22, 2024, counsel for Matter Brands communicated with counsel for Victra concerning the requested extension. Victra has consented to the extension sought herein.

6. This Motion is made in good faith and not for the purpose of delaying the proceedings within this action.

WHEREFORE, Matter Brands requests that its Second Motion for Extension of Time be granted and that the time in which to answer, plead, or otherwise respond to Victra's Complaint be extended by an additional ten (10) days, up to and including December 12, 2024.

A proposed Order is submitted with this Motion.

This the 22<sup>nd</sup> day of November, 2024.

WYRICK ROBBINS YATES & PONTON LLP

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Defendant Matter Brands LLC's Second Motion for Extension of Time was served this day by filing electronically via the CM/ECF system, which will send notification of such filing to the following participants:

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*Attorneys for Plaintiff ABC Phones of North Carolina, Inc., d/b/a Victra*

This the 22<sup>nd</sup> day of November, 2024.

WYRICK ROBBINS YATES & PONTON LLP

By: /s/ Michael D. DeFrank  
Michael D. DeFrank